

AMENDED IN SENATE JUNE 18, 2013

AMENDED IN ASSEMBLY MAY 24, 2013

AMENDED IN ASSEMBLY MAY 7, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1171

Introduced by Assembly Member Levine

February 22, 2013

An act to add and repeal Section 16521.6 of the Welfare and Institutions Code, relating to child welfare services.

LEGISLATIVE COUNSEL’S DIGEST

AB 1171, as amended, Levine. Child welfare services: electronic records.

Existing law requires a foster care provider, in consultation with the county case manager, to be responsible for ensuring that a foster youth or nonminor dependent is provided with appropriate referrals to health services when the foster youth either reaches 18 years of age or the nonminor dependent exits foster care, and to the extent county and state resources are provided.

This bill would require, no later than July 1, 2014, that the State Department of Social Services implement and oversee a voluntary 3-county pilot program to provide a foster youth, 16 years of age or older, *or a nonminor dependent, as defined*, upon his or her request, or upon his or her emancipation transition from dependency or probation, ~~with access to an~~ *the opportunity to create his or her own singular* online electronic ~~recordkeeping repository~~ *record* of necessary information and documents, including, but not limited to, medical or health records, a copy of his or her certified birth certificate, and a copy

of his or her social security card, to assist him or her in the transition to adulthood. The bill would authorize the department, in order to reduce costs, to use existing online electronic ~~recordkeeping repositories~~ *systems* for purposes of the pilot program. The bill would require ~~an~~ *the* online electronic ~~recordkeeping repository~~ *record* to allow the *foster youth or nonminor dependent* to view, download, upload, and transmit ~~those documents to assist the youth or nonminor dependent in maintaining those~~ *the information and* documents. The bill would require a social worker or other representative of the county welfare department, or a probation officer or other representative of the probation department, as appropriate, or another authorized representative as designated by the county or the court to assist the ~~child~~ *foster youth* or nonminor dependent with establishing *the electronic record* and obtaining *the information and* electronic copies of ~~those~~ *the* documents.

This bill would require the department, in coordination with the 3 participating counties, to submit a report to the Assembly and Senate Human Services Committees no later than December 1, 2016, evaluating the pilot program and providing recommendations as to whether it should be extended, expanded, or made permanent.

The bill's provisions would be implemented only if the Director of Finance makes a written determination that there are sufficient funds available from sources other than the General Fund for this purpose. The bill's provisions would become inoperative on January 1, 2018, and would be repealed as of January 1, 2019.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 16521.6 is added to the Welfare and
2 Institutions Code, to read:
3 16521.6. (a) No later than July 1, 2014, the department shall
4 implement and oversee a voluntary three-county pilot program for
5 a period of three years to provide a foster youth, who is 16 years
6 of age or older, *or a nonminor dependent, as defined in subdivision*
7 *(v) of Section 11400*, upon his or her request, or upon ~~the foster~~
8 ~~youth's emancipation~~ *his or her transition* from dependency or
9 probation, ~~with access to an~~ *the opportunity to create his or her*
10 *own singular* online electronic ~~recordkeeping repository of record~~
11 *containing necessary information and* documents for purposes of

1 assisting the foster youth *or nonminor dependent* in creating,
2 maintaining, *managing*, and having access to *that information*
3 *and* those documents and to assist in ~~the youth's~~ *his or her*
4 transition to adulthood. In order to reduce costs, the department
5 may use existing online electronic ~~recordkeeping repositories~~
6 *systems* for purposes of the pilot program.

7 (b) ~~An~~ *The* online electronic ~~recordkeeping repository~~ *record*
8 shall allow the foster youth *or nonminor dependent* to view,
9 download, upload, and transmit, as appropriate, necessary
10 ~~documents to assist the youth or nonminor dependent in~~
11 ~~maintaining the documents.~~ *information and documents.*

12 (c) A social worker or other representative of the county welfare
13 department, or a probation officer or other representative of the
14 probation department, as appropriate, or another authorized
15 representative as designated by the county or the court shall assist
16 ~~the child~~ *foster youth* or nonminor dependent with establishing *the*
17 *electronic record* and obtaining *information and* electronic copies
18 of his or her ~~records~~ *documents* for the purposes of this pilot
19 ~~program.~~ *program, and training the youth or dependent in the use,*
20 *maintenance, and protection of the record.*

21 (d) Documents *and information* included in ~~an~~ *the* online
22 electronic ~~recordkeeping repository~~ *record* shall include, but are
23 not limited to, all of the following:

24 (1) Medical or health records, including up-to-date health
25 records that include, but are not limited to, diagnoses, allergies,
26 test results, immunizations, and medications as permitted by the
27 Health Insurance Portability and Accountability Act of 1996
28 (Public Law 104-191).

29 (2) Copy of his or her certified birth certificate.

30 (3) Copy of his or her social security card.

31 (4) Letter proving ~~the child~~ *foster youth* or nonminor dependent
32 was a ward or dependent of the court.

33 (5) Special immigrant juvenile status, if applicable.

34 (6) Educational records, as permitted by state pupil privacy laws
35 and the federal Family Educational Rights and Privacy Act of 1974
36 (20 U.S.C. Sec. 1232g), which shall include a copy of his or her
37 official high school transcript and high school diploma or high
38 school equivalency certificate, if applicable.

1 (7) Copy of his or her driver's license, as described in Section
2 12500 of the Vehicle Code, or identification card, as described in
3 Section 13000 of the Vehicle Code.

4 (8) Background and contact information of siblings and other
5 family members, as appropriate, and as permitted by court order
6 pursuant to federal and state law.

7 (9) Application to seal juvenile court records.

8 (10) Copy of his or her transitional independent living case plan,
9 if applicable.

10 (11) Any additional records as determined necessary by the
11 director.

12 (e) Access to ~~a repository~~ *the electronic record* shall be limited
13 to the foster youth *or nonminor dependent* and ~~the person~~
14 ~~designated pursuant to subdivision (e)~~ *any individual whom he or*
15 *she authorizes to access the record*.

16 (f) Any necessary efforts to provide for the security of ~~a~~
17 ~~repository~~ *the electronic record*, including online security
18 protocols, shall be taken to protect the privacy of the foster youth
19 *or nonminor dependent* as determined by the director.

20 (g) (1) The department, in coordination with the three
21 participating counties, shall submit a report to the Assembly and
22 Senate Human Services Committees no later than December 1,
23 2016, evaluating the pilot program and providing recommendations
24 as to whether it should be extended, expanded, or made permanent.

25 (2) The requirement for submitting a report imposed under this
26 subdivision is inoperative on January 1, 2018, pursuant to Section
27 10231.5 of the Government Code.

28 (h) This section shall be implemented only if the Director of
29 Finance makes a written determination that there are sufficient
30 funds available from sources other than the General Fund for this
31 purpose.

32 (i) This section shall become inoperative on January 1, 2018,
33 and, as of January 1, 2019, is repealed, unless a later enacted
34 statute, that becomes operative on or before January 1, 2019,
35 deletes or extends the dates on which it becomes inoperative and
36 is repealed.